

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KELVIN RAYSHAWN-LAMOUNT BROWN,

Plaintiff,

Case No. 1:21-cv-11701

v.

Honorable Thomas L. Ludington
United States District Judge

MIDLAND COUNTY et al.,

Defendants.

Honorable Curtis Ivy, Jr.
United States Magistrate Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING CASE FOR
FAILURE TO PROSECUTE, AND DENYING REMAINING MOTIONS AS MOOT**

Plaintiff Kelvin Rayshawn-Lamont Brown filed a *pro se* complaint under 42 U.S.C. § 1983 alleging excessive force from a taser. ECF No. 1. Defendants filed motions to dismiss, to extend the scheduling order, and for summary judgment. ECF Nos. 18; 19. 20.

On April 4, 2023, Magistrate Judge Curits Ivy, Jr., issued a report recommending that the case be dismissed and the pending motions be denied as moot because Plaintiff has abandoned his case. ECF No. 24. Judge Ivy provided 14 days to object, but the parties did not do so. They have therefore forfeited their right to appeal Judge Ivy's findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). There is no clear error in the report.

Accordingly, it is **ORDERED** that Magistrate Judge Ivy's Report and Recommendation, ECF No. 24, is **ADOPTED**.

Further, it is **ORDERED** that Defendants' Motion to Dismiss, ECF No. 18, is **DENIED AS MOOT**.

Further, it is **ORDERED** that Defendants' Motion to Extend Scheduling Order, ECF No.

19, is **DENIED AS MOOT**.

Further, it is **ORDERED** that Defendants' Motion for Summary Judgment, ECF No. 20, is **DENIED AS MOOT**.

Further, it is **ORDERED** that the above-captioned case is **DISMISSED WITHOUT PREJUDICE**, costs, or fees.

This is a final order and closes the above-captioned case.

Dated: May 2, 2023

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge